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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,380	08/02/2006	Sadayuki Inoue	1190-0633PUS1	8371
2292 7590 12/09/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER PATHAK, SUDHANSHU C				
ART UNIT 2611		PAPER NUMBER		
NOTIFICATION DATE 12/09/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/588,380

Applicant(s)

INOUE ET AL.

Examiner

SUDHANSHU C. PATHAK

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-36 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 20 is/are rejected.
- 7) ☒ Claim(s) 3-19 and 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/26/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-36 are pending in the application.

Response to Arguments

2. Applicant's arguments filed in amendment dated 09/14/2009 regarding "Prior Art" rejections have been fully considered but they are not persuasive.

In regards to the specific arguments "Claim 1 recites, inter alia, the control means calculates a clock frequency deviation between a data sending device and a data receiving device in accordance with an integration result of an amount of the received packet data temporarily stored in the storage means and a measurement result of the integration time. Applicants respectfully submit that these features are not taught by Cloutier.", this is incorrect. This limitation is indeed is taught by Cloutier in (Fig. 2, elements 128, 142 & Fig. 4A-B & Abstract, lines 5-20 & Column 5, lines 38-59 & Column 10, lines 40-67 & Column 11, lines 20-48 & Column 12, lines 1-18, 26-55 & Column 13, lines 5-57) {Interpretation: The reference discloses performing a correlation between the expected arrival time and the actual arrival time with an accumulation of the expected and actual arrival times}.

Furthermore, although applicant has explained the citations of the Cloutier reference in detail, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Therefore, based on the above response to the arguments presented in the amendment the rejections have been maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 (device) & 20 (method) are rejected under 35 U.S.C. 102(b) as being anticipated by Cloutier (5,966,387).

In regards to Claims 1 & 20, Cloutier discloses a data receiving device (method) for receiving packet data through a transmission path and outputting the packet data in accordance with time information added beforehand to the packet data (Fig. 1 & Fig. 2), the data receiving device comprising: a storage means for storing the received packet data (Fig. 2, element 144); and a control means for separating the time information added to the received packet data and reading the packet data from the storage means in accordance with the separated time information (Fig. 2, elements 124, 128); wherein when the control means generates a read timing, the control means calculates a clock frequency deviation between a data sending device and the data receiving device in accordance with an integration result of an amount of the received packet data temporarily stored in the storage means and a measurement result of the integration time, and adds an offset amount based on the deviation to the read timing of the received packet data, thereby generating the read timing of the received packet data (Fig. 2, elements 128, 142 & Fig. 4A-B & Abstract,

lines 5-20 & Column 10, lines 40-67 & Column 11, lines 20-48 & Column 12, lines 1-18, 26-55 & Column 13, lines 5-57).

In regards to Claim 2, Cloutier discloses a data receiving device for receiving packet data through a transmission path and outputting the packet data in accordance with time information added beforehand to the packet data as described above. Cloutier further discloses the data receiving device receives a plurality of packet data sent from a plurality of data sending devices (Column 13, lines 5-38 & Fig.'s 6-7) {Interpretation: The reference discloses receiving a MPEG stream comprising at least a plurality of packets from a plurality of sources}, the storage means includes a plurality of storage areas for storing the plurality of packet data received by the receiving means respectively, and the control means generates a plurality of read timings corresponding to the plurality of storage areas (Column 13, lines 5-38 & Fig.'s 6-7) {Interpretation: The reference discloses storing a plurality of packets thus it is a plurality of storages areas is inherent. Furthermore, the control means generates a control signals or time stamps for each packet}.

Allowable Subject Matter

5. Claims 26-36 are allowed over the Prior Art of record.
6. Claims 3-19 (device) & 21-24 (method) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUDHANSHU C. PATHAK whose telephone number is (571)272-5509. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on 571-272-3042.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sudhanshu C Pathak/
Primary Examiner, Art Unit 2611